



General Assembly

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Amendment

LCO No. 9284

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Offered by:
SEN. FONFARA, 1st Dist.

To: Subst. House Bill No. 6426

File No. 960

Cal. No. 653

"AN ACT IMPROVING BROADBAND ACCESS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 16-331h of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Not later than one hundred twenty days after the certified
6 competitive video service provider begins offering service in a
7 designated area pursuant to its certificate of video franchise authority,
8 such provider shall provide capacity over its video service to allow
9 community access programming, in its basic service package, in
10 accordance with the following: (1) The certified competitive video
11 service provider shall provide capacity equal to the number of
12 community access channels currently offered by the incumbent
13 community antenna television company in the given area; (2) the
14 certified competitive video service provider shall provide funds for
15 community access operations, as provided in subsection (k) of section

16 16-331a; (3) the certified competitive video service provider shall
17 provide the transmission of community access programming with
18 connectivity up to the first two hundred feet from the competitive
19 video service provider's activated wireline video programming
20 distribution facility located in the provider's designated service area
21 and shall not provide additional requirements for the creation of any
22 content; and (4) the community access programming shall be
23 submitted to the certified competitive video service provider in a
24 manner or form that is compatible with the technology or protocol
25 utilized by said competitive video service provider to deliver video
26 services over its particular network, and is capable of being accepted
27 and transmitted by the provider, without requirement for additional
28 alteration or change in the content by the provider.

29 (b) A certified competitive video service provider and a community
30 antenna television company or nonprofit organization providing
31 community access operations shall engage in good faith negotiation
32 regarding interconnection of community access operations where such
33 interconnection is technically feasible or necessary. Interconnection
34 may be accomplished by direct cable, microwave link, satellite or other
35 reasonable method of connection. At the request of a competitive video
36 service provider, community antenna television company or provider
37 of community access operations, the Department of Public Utility
38 Control may facilitate the negotiation for such interconnection.

39 [(c) Not later than one hundred twenty days after the certified
40 competitive video service provider begins offering service in a
41 designated area pursuant to its certificate of video franchise authority,
42 such provider shall provide transmission of the Connecticut Television
43 Network to all its subscribers, including real-time transmission as
44 technically feasible, under the same conditions as set forth in
45 subdivisions (3) and (4) of subsection (a) of this section.]

46 Sec. 2. Section 16-331s of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective from passage*):

48 [(a)] A company issued a certificate of cable franchise authority
49 shall be subject to the community access programming and operations
50 provisions set forth in subsections (b) to (i), inclusive, and subsections
51 (k), (l) and (n) of section 16-331a, as amended by this act, and any
52 regulations pursuant thereto, and subsection (c) of section 16-333 and
53 any regulations pursuant thereto.

54 [(b) A company issued a cable franchise authority certificate shall
55 provide transmission of the Connecticut Television Network to all its
56 subscribers, including real-time transmission as technically feasible.]

57 Sec. 3. (NEW) (*Effective from passage*) Any community antenna
58 television company or nonprofit organization providing community
59 access operations that supplied original programming from locally run
60 operations and provided funding to town-specific programming on
61 January 1, 2008, shall continue to fund town-specific programming
62 through December 31, 2012, in such proportions to funding for original
63 programming from locally run operations as of January 1, 2008.

64 Sec. 4. Subsection (b) of section 16-331cc of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective from*
66 *passage*):

67 (b) The moneys in said account shall be expended by the
68 Department of Public Utility Control as follows: (1) Fifty per cent of
69 said moneys shall be available to local [community antenna television
70 and video advisory councils; state-wide community antenna television
71 and video advisory councils; public, educational and governmental
72 programmers and] public, educational and governmental studio
73 operators [to subsidize] whom the Department of Public Utility
74 Control requires to file annual community access provider reports, for
75 subsidizing capital and equipment costs related to producing and
76 procuring such programming, and (2) fifty per cent of said moneys
77 shall be available to boards of education and other education entities
78 for education technology initiatives.

79 Sec. 5. Subsection (a) of section 16-1 of the general statutes is

80 amended by adding subdivision (51) as follows (*Effective from passage*):

81 (NEW) (51) "The Connecticut Television Network" means the
82 General Assembly's state-wide twenty-four-hour state public affairs
83 programming service, separate and distinct from community access
84 channels.

85 Sec. 6. Subsection (c) of section 16-331a of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective from*
87 *passage*):

88 (c) If a community-based nonprofit organization in a franchise area
89 desires to assume responsibility for community access operations, it
90 shall [, upon timely petition to the department, be granted intervenor
91 status in a franchise proceeding held pursuant to this section] apply to
92 the department to assume such responsibility, in a manner designed
93 by the department. The department shall assign this responsibility to
94 the most qualified community-based nonprofit organization or the
95 company based on the following criteria: (1) The recommendations of
96 the advisory council and of the municipalities in the franchise area; (2)
97 a review of the organization's or the company's performance in
98 providing community access programming; (3) the operating plan
99 submitted by the organization and the company for providing
100 community access programming; (4) the experience in community
101 access programming of the organization; (5) the organization's and the
102 company's proposed budget, including expenses for salaries,
103 consultants, attorneys, and other professionals; (6) the quality and
104 quantity of the programming to be created, promoted or facilitated by
105 the organization or the company; (7) a review of the organization's
106 procedures to ensure compliance with federal and state law, including
107 the regulations of Connecticut state agencies; and (8) any other criteria
108 determined to be relevant by the department. If the department selects
109 an organization to provide community access operations, the company
110 shall provide financial and technical support to the organization in an
111 amount to be determined by the department. On petition of the Office
112 of Consumer Counsel or the franchise's advisory council or on its own

113 motion, the department shall hold a hearing, with notice, on the ability
114 of the organization to continue its responsibility for community access
115 operations. In its decision following such a hearing, the department
116 may reassign the responsibility for community access operations to
117 another organization or the company in accordance with the
118 provisions of this subsection.

119 Sec. 7. (NEW) (*Effective July 1, 2009*) (a) Not later than sixty days
120 prior to October 1, 2009, and not later than sixty days prior to October
121 first every five years thereafter, any community-based nonprofit
122 organization may petition the Department of Public Utility Control to
123 assume responsibility for community access within a defined service
124 area in which community access is being provided by an organization
125 with an annual operating budget of at least one hundred thousand
126 dollars. Upon receipt of any such petition, the department shall
127 conduct a contested case proceeding to determine whether to assign
128 such responsibility to the community-based nonprofit organization
129 submitting the petition or to any other nonprofit organization or
130 community access television company. The department shall base such
131 determination on the following criteria: (1) The recommendations of
132 the State-wide Community Antenna Television Advisory Council, the
133 applicable local advisory council and of the chief elected officials of the
134 municipalities in the service area, (2) a review of the performance of
135 the organization or company providing community access
136 programming on the date the petition is filed, (3) the operation plan
137 submitted by an organization or a company for providing community
138 access programming, (4) the experience of the organization or
139 company in community access programming, (5) the proposed budget
140 of the organization or company, including expenses for salaries,
141 consultants, attorneys and other professionals, (6) the quality and
142 quantity of the programming to be created, promoted or facilitated by
143 the organization or the company, (7) a review of the organization's or
144 company's procedures to ensure compliance with federal and state
145 law, including the regulations of state agencies, and (8) any other
146 criteria determined to be relevant by the department.

147 (b) Not later than sixty days prior to April 1, 2010, and not later than
148 sixty days prior to April first every five years thereafter, the
149 department may, on its own initiative, review and evaluate the
150 provision of community access programming by the organization or
151 company. The department shall conduct such review or evaluation if
152 the Consumer Counsel petitions the department for such a review
153 during the period commencing October 1, 2009, and ending April 1,
154 2010, and each corresponding period every five years thereafter. Such
155 review shall include consideration of the factors set forth in subsection
156 (a) of this section.

157 (c) If the Department of Public Utility Control reassigns
158 responsibility for community access television in a franchise area
159 consisting of four towns, one of which has a population of not less than
160 one hundred thousand and not more than one hundred fifteen
161 thousand to another community-based nonprofit organization, any
162 other nonprofit organization or a community access television
163 company as a result of a review conducted pursuant to this section,
164 such organization or company shall provide an interview for
165 employment and a two-year no-layoff agreement to any
166 nonmanagement employee of the existing provider of community
167 access television who has been an employee of such provider for at
168 least five years.

169 Sec. 8. Section 16-331d of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective from passage*):

171 (a) The chief elected official from the town in which a vacant seat
172 exists on a community antenna television advisory council shall
173 appoint a member to fill such vacancy if any other appointing
174 authority fails to make an appointment within six months of the time
175 in which a vacancy occurs.

176 (b) No member of a community antenna television advisory council
177 [appointed by the chief elected official of a municipality, the board of
178 education or the public libraries] shall be an employee of a community

179 antenna television company. For the purposes of this subsection, an
180 employee includes any person working full or part time or performing
181 any subcontracting or consulting services for the company.

182 (c) Any member of a community antenna television advisory
183 council, serving a franchise area of seven towns, one of which has a
184 population of no less than twenty thousand and no more than twenty-
185 six thousand with a town meeting form of government, may be an
186 employee of a community access provider. For the purposes of this
187 subsection, an employee includes any person working full or part time
188 or performing any subcontracting or consulting services for the
189 provider.

190 Sec. 9. Section 16-331t of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective from passage*):

192 (a) A company issued a certificate of cable franchise authority shall,
193 twice a year, convene a meeting with the advisory council established
194 pursuant to its previous certificate of public convenience and necessity
195 issued pursuant to section 16-331. Members shall be appointed in
196 accordance with section 16-331d, as amended by this act. No member
197 of the advisory council [shall] may be an employee of a company
198 providing community antenna television service or video service. For
199 the purposes of this subsection, an employee includes any person
200 working full or part time or performing any subcontracting or
201 consulting services for a company providing community antenna
202 television service or video service.

203 (b) A company issued a cable franchise authority certificate shall
204 provide funding to the advisory council in the amount of two
205 thousand dollars per year.

206 (c) Members of the advisory council shall serve without
207 compensation. For the purposes of this section, compensation shall
208 include the receipt of any free or discounted community antenna
209 television service or video service.

210 (d) The Department of Public Utility Control shall designate the
211 advisory council as an intervenor in any contested case proceeding
212 before the department involving the company it advises. Such
213 company shall provide to the chairperson of the advisory council a
214 copy of any report, notice or other document it files with the
215 department in any applicable proceeding.

216 (e) Any company issued a certificate of cable franchise authority
217 shall, every six months, provide on bills, bill inserts or letters to
218 subscribers, a notice indicating the name and address of the
219 chairperson of the advisory council and describing the responsibilities
220 of such advisory council. The advisory council shall have an
221 opportunity to review such notice prior to its distribution.

222 (f) Any member of the advisory council serving a franchise area of
223 seven towns, one of which has a population of no less than twenty
224 thousand residents and no more than twenty-six thousand residents
225 with a town meeting form of government, may be an employee of a
226 community access provider. For the purposes of this subsection, an
227 employee includes any person working full or part time or performing
228 any subcontracting or consulting services for the provider.

229 Sec. 10. Section 16-32 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2009*):

231 Each public service company, except telegraph companies and
232 express companies subject to the jurisdiction of the Interstate
233 Commerce Commission or its successor agency and companies owned,
234 directly or indirectly, by a parent company, the accounts and
235 operations of which are required to be audited annually in accordance
236 with federal law, shall have an annual comprehensive audit and report
237 made of its accounts and operations by independent public
238 accountants satisfactory to the Department of Public Utility Control. A
239 copy of such annual audit report shall be filed with the department,
240 together with the company's annual report. In the absence of such an
241 audit report, or if the department, after notice and opportunity for a

242 hearing, determines that such audit report is insufficient or
243 unsatisfactory, the department shall cause such an audit to be made at
244 the expense of the company either by independent public accountants
245 satisfactory to the department or by any staff of the department
246 engaged in the activities contemplated by subsection (b) of section 16-
247 8. The department may waive the compliance with the provisions of
248 this section by any public service company whose annual gross income
249 is less than one hundred thousand dollars.

250 Sec. 11. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
251 "broadband" means a high-speed Internet service whose minimum
252 speed is the speed as defined by the Federal Communications
253 Commission, and "priority areas" means those parts of the state the
254 Department of Public Utility Control determines to be unserved in
255 terms of access to broadband.

256 (b) The Department of Public Utility Control shall, in consultation
257 with the Governor's Broadband Working Group, the Office of
258 Consumer Counsel and the Broadband Internet Coordinating Council,
259 established pursuant to section 4d-100 of the general statutes, develop
260 a state-wide technology initiative program with funds received by the
261 state from the American Recovery and Reinvestment Act of 2009 for
262 the purpose of expanding broadband services. Nothing in this section
263 shall give the Department of Public Utility Control or any other entity
264 any additional authority, regulatory or otherwise, over providers of
265 telecommunications and information technology. The initiative
266 program established pursuant to this act shall include, but not be
267 limited to, the following components:

268 (1) Expanding and deploying broadband infrastructure in priority
269 areas and increasing broadband adoption. The initiative program shall
270 include a detailed financial incentives component to award incentives
271 first to private providers and then to public-private partnerships that
272 deploy additional broadband infrastructure to such priority areas. No
273 such incentive shall be available to support any deployment in areas
274 where broadband, via wireline or wireless technologies but not

275 satellite technology, is already available.

276 (2) In partnership with the private sector, establishing a digital
277 technology access and education program to provide information,
278 computers and other technology to access broadband and
279 communications technology to local communities in priority areas.
280 Such program may include, but not be limited to, education and skill-
281 building opportunities, hardware and software, Internet connectivity
282 and development of locally relevant content and delivery of vital
283 services through technology.

284 (3) Providing organizational and capacity building support to
285 groups throughout the state, including, but not limited to,
286 municipalities, the community-technical colleges, school districts,
287 libraries and senior centers, and identifying and facilitating the
288 availability of other public and private funding sources to enhance the
289 purposes of the state-wide technology initiative established pursuant
290 to this subsection.

291 (4) Establishing a competitive grant program to provide grants to
292 private sector providers or public-private partnerships. Grants shall be
293 used to provide training and skill-building opportunities; provide
294 access to hardware and software; provide Internet connectivity; adopt
295 information and communication technologies in priority areas and
296 develop locally relevant content and delivery of vital services through
297 technology. The department shall develop criteria for awarding grants
298 pursuant to this subdivision, which may include, but not be limited to,
299 eligibility requirements and funding sources.

300 (c) The department, in consultation with telecommunications and
301 Internet service providers, shall contract with a third-party
302 organization to create and regularly update a detailed, geographic
303 information system (GIS) map, at the census tract level, displaying
304 levels of broadband service by connection speed and type of
305 technology used and integrating the maps with demographic
306 information to produce a comprehensive state-wide inventory and

307 mapping of existing broadband service and capability. The resulting
308 maps shall clearly convey the following information:

309 (1) Areas unserved by any broadband provider;

310 (2) Areas served by a single broadband provider;

311 (3) The location of towers used to transmit and receive broadband
312 signals;

313 (4) Average upstream and downstream transmission speeds at the
314 census tract group level of detail;

315 (5) Areas served by multiple broadband providers; and

316 (6) The types of technology used to provide broadband service.

317 (d) The data used to produce the maps shall be capable of being
318 integrated with demographic data from other sources, including, but
319 not limited to, population density and household income to allow for
320 the production of maps that measure, down to the census tract level of
321 detail, various characteristics of residents in areas receiving different
322 levels of broadband services and using different technologies.

323 (e) Any broadband provider supplying data to the department for
324 the purposes of developing the state-wide technology initiative
325 program and the geographic information system map pursuant to this
326 section may request, before supplying such data, that the department
327 treat such data as trade secrets or proprietary commercial or financial
328 information pursuant to subparagraphs (A) and (B) of subdivision (5)
329 of subsection (b) of section 1-210 of the general statutes. If the
330 department determines that such data does not constitute a trade
331 secret or proprietary commercial or financial information pursuant to
332 subparagraphs (A) and (B) of subdivision (5) of subsection (b) of
333 section 1-210 of the general statutes, nothing in this subsection shall be
334 construed to require such provider to supply such data to the
335 department.

336 (f) On or before January 1, 2010, and annually thereafter for five
337 years, the department shall submit a report, in accordance with the
338 provisions of section 11-4a of the general statutes, on the development
339 of the state-wide technology initiative program and the geographic
340 information system map prepared pursuant to this section to the joint
341 standing committee of the General Assembly having cognizance of
342 matters relating to energy.

343 Sec. 12. Section 16-331dd of the general statutes is amended by
344 adding subsection (c) as follows (*Effective from passage*):

345 (NEW) (c) Notwithstanding the provisions of subsection (b) of
346 section 16-333 (i), the holder of a certificate of video franchise authority
347 issued pursuant to subsection (a) of this section shall (1) convene a
348 meeting twice a year with the advisory counsel established pursuant to
349 its previous certificate of public convenience and necessity issued
350 pursuant to section 16-331, and (2) provide funding to said advisory
351 council in the amount of two thousand dollars per year.

352 Sec. 13. Subsection (a) of section 16-50r of the general statutes is
353 repealed and the following is substituted in lieu thereof (*Effective from*
354 *passage*):

355 (a) Every person engaged in electric transmission services, as
356 defined in section 16-1, as amended by this act, electric generation
357 services, as defined in said section, or electric distribution services, as
358 defined in said section generating electric power in the state utilizing a
359 generating facility with a capacity greater than one megawatt, shall,
360 [annually,] on or before March [first] 1, 2010, and biennially thereafter,
361 file a report on a forecast of loads and resources. [which may consist of
362 an update of the previous year's report with the council for its review.]
363 The report shall cover the ten-year forecast period beginning with the
364 year of the report. Upon request, the report shall be made available to
365 the public. The report shall include, as applicable: (1) A tabulation of
366 estimated peak loads, resources and margins for each year; (2) data on
367 energy use and peak loads for the five preceding calendar years; (3) a

368 list of existing generating facilities in service; (4) a list of scheduled
369 generating facilities for which property has been acquired, for which
370 certificates have been issued and for which certificate applications
371 have been filed; (5) a list of planned generating units at plant locations
372 for which property has been acquired, or at plant locations not yet
373 acquired, that will be needed to provide estimated additional electrical
374 requirements, and the location of such facilities; (6) a list of planned
375 transmission lines on which proposed route reviews are being
376 undertaken or for which certificate applications have already been
377 filed; (7) a description of the steps taken to upgrade existing facilities
378 and to eliminate overhead transmission and distribution lines in
379 accordance with the regulations and standards described in section 16-
380 50t; and (8) for each private power producer having a facility
381 generating more than one megawatt and from whom the person
382 furnishing the report has purchased electricity during the preceding
383 calendar year, a statement including the name, location, size and type
384 of generating facility, the fuel consumed by the facility and the by-
385 product of the consumption. Confidential, proprietary or trade secret
386 information provided under this section may be submitted under a
387 duly granted protective order. The council may adopt regulations, in
388 accordance with the provisions of chapter 54, that specify the expected
389 filing requirements for persons that transmit electric power in the state,
390 electric distribution companies, and persons that generate electric
391 power in the state utilizing a generating facility with a capacity of
392 greater than one megawatt. Until such regulations are adopted,
393 persons that transmit electric power in the state shall file reports
394 pursuant to this section that include the information requested in
395 subdivisions (6) and (7) of this subsection; electric distribution
396 companies in the state shall file reports pursuant to this section that
397 include the information requested in subdivisions (1), (2), (7) and (8) of
398 this subsection; persons that generate electric power in the state
399 utilizing a generating facility with a capacity greater than one
400 megawatt shall file reports pursuant to this section that include the
401 information requested in subdivisions (3), (4), (5) and (8) of this
402 subsection. The council shall hold a public hearing on such filed

403 forecast reports annually. The council shall conduct a review in an
404 executive session of any confidential, proprietary or trade secret
405 information submitted under a protective order during such a hearing.
406 At least one session of such hearing shall be held after six-thirty p.m.
407 Upon reviewing such forecast reports, the council may issue its own
408 report assessing the overall status of loads and resources in the state. If
409 the council issues such a report, it shall be made available to the public
410 and shall be furnished to each member of the joint standing committee
411 of the General Assembly having cognizance of matters relating to
412 energy and technology, any other member of the General Assembly
413 making a written request to the council for the report and such other
414 state and municipal bodies as the council may designate.

415 Sec. 14. Section 16a-3a of the general statutes is repealed and the
416 following is substituted in lieu thereof (*Effective from passage*):

417 (a) The electric distribution companies, in consultation with the
418 Connecticut Energy Advisory Board, established pursuant to section
419 16a-3, shall review the state's energy and capacity resource assessment
420 and develop a comprehensive plan for the procurement of energy
421 resources, including, but not limited to, conventional and renewable
422 generating facilities, energy efficiency, load management, demand
423 response, combined heat and power facilities, distributed generation
424 and other emerging energy technologies to meet the projected
425 requirements of their customers in a manner that minimizes the cost of
426 such resources to customers over time and maximizes consumer
427 benefits consistent with the state's environmental goals and standards.

428 (b) On or before January 1, 2008, and [annually] biennially
429 thereafter, the companies shall submit to the Connecticut Energy
430 Advisory Board an assessment of (1) the energy and capacity
431 requirements of customers for the next three, five and ten years, (2) the
432 manner of how best to eliminate growth in electric demand, (3) how
433 best to level electric demand in the state by reducing peak demand and
434 shifting demand to off-peak periods, (4) the impact of current and
435 projected environmental standards, including, but not limited to, those

436 related to greenhouse gas emissions and the federal Clean Air Act
437 goals and how different resources could help achieve those standards
438 and goals, (5) energy security and economic risks associated with
439 potential energy resources, and (6) the estimated lifetime cost and
440 availability of potential energy resources.

441 (c) Resource needs shall first be met through all available energy
442 efficiency and demand reduction resources that are cost-effective,
443 reliable and feasible. The projected customer cost impact of any
444 demand-side resources considered pursuant to this subsection shall be
445 reviewed on an equitable bases with nondemand-side resources. The
446 procurement plan shall specify (1) the total amount of energy and
447 capacity resources needed to meet the requirements of all customers,
448 (2) the extent to which demand-side measures, including efficiency,
449 conservation, demand response and load management can cost-
450 effectively meet these needs, (3) needs for generating capacity and
451 transmission and distribution improvements, (4) how the development
452 of such resources will reduce and stabilize the costs of electricity to
453 consumers, and (5) the manner in which each of the proposed
454 resources should be procured, including the optimal contract periods
455 for various resources.

456 (d) The procurement plan shall consider: (1) Approaches to
457 maximizing the impact of demand-side measures; (2) the extent to
458 which generation needs can be met by renewable and combined heat
459 and power facilities; (3) the optimization of the use of generation sites
460 and generation portfolio existing within the state; (4) fuel types,
461 diversity, availability, firmness of supply and security and
462 environmental impacts thereof, including impacts on meeting the
463 state's greenhouse gas emission goals; (5) reliability, peak load and
464 energy forecasts, system contingencies and existing resource
465 availabilities; (6) import limitations and the appropriate reliance on
466 such imports; and (7) the impact of the procurement plan on the costs
467 of electric customers.

468 (e) The board, in consultation with the regional independent system

469 operator, shall review and approve or review, modify and approve the
470 proposed procurement plan as submitted not later than one hundred
471 twenty days after receipt. For calendar years 2009 and thereafter, the
472 board shall conduct such review not later than sixty days after receipt.
473 For the purpose of reviewing the plan, the Commissioners of
474 Transportation and Agriculture and the chairperson of the Public
475 Utilities Control Authority, or their respective designees, shall not
476 participate as members of the board. The electric distribution
477 companies shall provide any additional information requested by the
478 board that is relevant to the consideration of the procurement plan. In
479 the course of conducting such review, the board shall conduct a public
480 hearing, may retain the services of a third-party entity with experience
481 in the area of energy procurement and may consult with the regional
482 independent system operator. The board shall submit the reviewed
483 procurement plan, together with a statement of any unresolved issues,
484 to the Department of Public Utility Control. The department shall
485 consider the procurement plan in an uncontested proceeding and shall
486 conduct a hearing and provide an opportunity for interested parties to
487 submit comments regarding the procurement plan. Not later than one
488 hundred twenty days after submission of the procurement plan, the
489 department shall approve, or modify and approve, the procurement
490 plan. [For calendar years 2009 and thereafter, the department shall
491 approve, or modify and approve, said procurement plan not later than
492 sixty days after submission.]

493 (f) On or before September 30, 2009, and every two years thereafter,
494 the Department of Public Utility Control shall report to the joint
495 standing committees of the General Assembly having cognizance of
496 matters relating to energy and the environment regarding goals
497 established and progress toward implementation of the procurement
498 plan established pursuant to this section, as well as any
499 recommendations for the process.

500 (g) All electric distribution companies' costs associated with the
501 development of the resource assessment and the development of the
502 procurement plan shall be recoverable through the systems benefits

503 charge.

504 Sec. 15. (NEW) (*Effective July 1, 2009*) The date and time of filing of
505 each document with the Department of Public Utility Control shall be
506 the date and time by which the department first receives a complete
507 electronic or paper version of such document provided such electronic
508 or paper version is filed in accordance with section 16-1-14 of the
509 regulations of Connecticut state agencies. If payment of a fee is
510 required to accompany such document, the department shall not deem
511 a document to be filed until the department receives the fee. If a
512 document is electronically submitted outside of the department's
513 normal business hours, the department shall deem the document to be
514 filed at the time the department's offices next open. The department
515 shall require two copies of each paper version of electronic filings to be
516 mailed to the department by first-class mail. Any party or intervenor
517 in a department docket who does not have computer access may
518 request from the department a paper version of any filing from any
519 other party or intervenor associated with such docket.

520 Sec. 16. Subsection (b) of section 1 of public act 09-31 is repealed and
521 the following is substituted in lieu thereof (*Effective July 1, 2009*):

522 (b) If a person or entity, other than a customer of record or the
523 customer's authorized representative, seeks to terminate electric, gas,
524 telecommunications or water service to a residential dwelling, the
525 company, supplier or utility shall not terminate service unless, nine or
526 more days prior to the requested termination date, the company,
527 utility or supplier sends a notification letter by certified mail to the
528 customer of record at the customer's last-known address.

529 Sec. 17. Section 16-262e of the general statutes, as amended by
530 section 2 of public act 09-31, is repealed and the following is
531 substituted in lieu thereof (*Effective July 1, 2009*):

532 (a) Notwithstanding the provisions of section 16-262d, wherever an
533 owner, agent, lessor or manager of a residential dwelling is billed
534 directly by an electric, electric distribution, gas, telephone or water

535 company or by a municipal utility for utility service furnished to such
536 building not occupied exclusively by such owner, agent, lessor, or
537 manager, and such company or municipal utility or the electric
538 supplier providing electric generation services has actual or
539 constructive knowledge that the occupants of such dwelling are not
540 the individuals to whom the company or municipal utility usually
541 sends its bills, such company, electric supplier or municipal utility
542 shall not terminate such service for nonpayment of a delinquent
543 account owed to such company, electric supplier or municipal utility
544 by such owner, agent, lessor or manager unless: (1) Such company,
545 electric supplier or municipal utility makes a good faith effort to notify
546 the occupants of such building of the proposed termination by the
547 means most practicable under the circumstances and best designed to
548 provide actual notice; and (2) such company, electric supplier or
549 municipal utility provides an opportunity, where practicable, for such
550 occupants to receive service in their own names without any liability
551 for the amount due while service was billed directly to the lessor,
552 owner, agent or manager and without the necessity for a security
553 deposit; provided, if it is not practicable for such occupants to receive
554 service in their own names, the company, electric supplier or
555 municipal utility shall not terminate service to such residential
556 dwelling but may pursue the remedy provided in section 16-262f.

557 (b) Whenever a company, electric supplier or municipal utility has
558 terminated service to a residential dwelling whose occupants are not
559 the individuals to whom it usually sends its bills, such company,
560 electric supplier or municipal utility shall, upon obtaining knowledge
561 of such occupancy, immediately reinstate service and thereafter not
562 effect termination unless it first complies with the provisions of
563 subsection (a) of this section.

564 (c) The owner, agent, lessor or manager of a residential dwelling
565 shall be liable for the costs of all electricity, gas, water or heating fuel
566 furnished by a public service company, electric supplier, municipal
567 utility or heating fuel dealer to the building, except for any service
568 furnished to any dwelling unit of the building on an individually

569 metered or billed basis for the exclusive use of the occupants of that
570 dwelling unit, provided an owner, agent, lessor or manager shall be
571 liable for service provided on an individually metered or billed basis
572 pursuant to subsection (g) of this section from ten days after the date of
573 written request sent by certified mail by the company, supplier, utility
574 or dealer if the company, supplier, utility or dealer is denied access to
575 its individual meters or other facilities located on the premises of the
576 building. Such owner, agent, lessor or manager shall only be liable
577 when such owner, agent, lessor or manager controls access to such
578 individual meters to which access is denied. If service is not provided
579 on an individually metered or billed basis and the owner, agent, lessor
580 or manager fails to pay for such service, any occupant who receives
581 service in his own name may deduct, in accordance with the
582 provisions of subsection (d) of this section, a reasonable estimate of the
583 cost of any portion of such service which is for the use of occupants of
584 dwelling units other than such occupant's dwelling unit.

585 (d) Any payments made by the occupants of any residential
586 dwelling pursuant to subsection (a) or (c) of this section shall be
587 deemed to be in lieu of an equal amount of rent or payment for use
588 and occupancy and each occupant shall be permitted to deduct such
589 amounts from any sum of rent or payment for use and occupancy due
590 and owing or to become due and owing to the owner, agent, lessor or
591 manager.

592 (e) Wherever a company, electric supplier or municipal utility
593 provides service pursuant to subdivision (2) of subsection (a) of this
594 section, the company, electric supplier or municipal utility shall notify
595 each occupant of such building in writing that service will be provided
596 in the occupant's own name. Such writing shall contain a conspicuous
597 notice in boldface type stating,

598 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
599 AMOUNT YOU PAY (name of company or municipal utility) FOR
600 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
601 OR HIS AGENT."

602 (f) The owner, agent, lessor or manager shall not increase the
603 amount paid by such occupant for rent or for use and occupancy in
604 order to collect all or part of that amount lawfully deducted by the
605 occupant pursuant to this section.

606 (g) The owner, agent, lessor or manager of a residential dwelling
607 shall be responsible for providing a public service company, electric
608 supplier or municipal utility or heating fuel dealer access to its meter
609 or other facilities located on the premises of the residential dwelling
610 promptly upon written request sent by certified mail of the public
611 service company, electric supplier or municipal utility or heating fuel
612 dealer during reasonable hours. If such owner, agent, lessor or
613 manager fails to provide such access upon such reasonable written
614 request, the owner, agent, lessor or manager shall be liable for the costs
615 incurred by the public service company, electric supplier or municipal
616 utility or heating fuel dealer in gaining access to the meter and
617 facilities, including costs of collection and attorneys' fees. If the failure
618 to provide access delays the ability of the public service company,
619 electric supplier or municipal utility or heating fuel dealer to terminate
620 service to an individually metered or billed portion of the dwelling, the
621 owner, agent, lessor or manager failing to provide access shall also be
622 liable for the amounts billed by the public service company, electric
623 supplier or municipal utility or heating fuel dealer for service provided
624 to the individually metered or billed portion of the dwelling for the
625 period beginning ten days after access has been requested pursuant to
626 this subsection and ending when access is provided by such owner,
627 agent, lessor or manager.

628 (h) Nothing in this section shall be construed to prevent the
629 company, electric supplier, municipal utility, heating fuel dealer or
630 occupant from pursuing any other action or remedy at law or equity
631 that it may have against the owner, agent, lessor, or manager."

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	16-331h
Sec. 2	<i>from passage</i>	16-331s
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16-331cc(b)
Sec. 5	<i>from passage</i>	16-1(a)
Sec. 6	<i>from passage</i>	16-331a(c)
Sec. 7	<i>July 1, 2009</i>	New section
Sec. 8	<i>from passage</i>	16-331d
Sec. 9	<i>from passage</i>	16-331t
Sec. 10	<i>October 1, 2009</i>	16-32
Sec. 11	<i>July 1, 2009</i>	New section
Sec. 12	<i>from passage</i>	16-331dd
Sec. 13	<i>from passage</i>	16-50r(a)
Sec. 14	<i>from passage</i>	16a-3a
Sec. 15	<i>July 1, 2009</i>	New section
Sec. 16	<i>July 1, 2009</i>	PA 09-31, Sec. 1(b)
Sec. 17	<i>July 1, 2009</i>	16-262e